

JOSEPH P. RUSSONIELLO (CABN 44332)
United States Attorney

BRIAN J. STRETCH (CABN 163973)
Chief, Criminal Division

KESLIE STEWART (CABN 184090)
Assistant United States Attorney

1301 Clay Street, Suite 340-S
Oakland, CA 94612
Telephone: (510) 637-3680
Facsimile: (510) 637-3724
E-Mail: keslie.stewart@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

| | | |
|---------------------------|---|----------------------------------|
| UNITED STATES OF AMERICA, |) | No. CR 09-00114 SBA |
| |) | |
| Plaintiff, |) | STIPULATED REQUEST AND JOINT |
| |) | MOTION AND ORDER TO CONTINUE |
| v. |) | HEARING DATE TO MAY 5, 2009, FOR |
| |) | CHANGE OF PLEA AND SENTENCING |
| VICTOR ENRIQUE ANDRADE- |) | AND TO EXCLUDE TIME UNDER THE |
| PARTIDA, |) | SPEEDY TRIAL ACT |
| |) | |
| Defendant. |) | |

Plaintiff, by and through its attorney of record, and defendant, by and through his attorney of record, hereby stipulate and ask the Court to find as follows:

1. The government and defendant have reached a negotiated disposition in which defendant will plead guilty to a binding plea agreement.

2. Accordingly, the parties will submit a proposed plea agreement, submitted under separate cover for the Court's consideration, pursuant to Federal Rule of Criminal Procedure 11(c)(1)(C). The parties further stipulate and request that the Court find and order the following:

(a) That the parties have submitted a plea agreement for the Court's consideration pursuant to Federal Rule of Criminal Procedure 11(c)(1)(C), and that a hearing for

1 change of plea and imposition of judgment and sentence be scheduled for 10:00 a.m. on May 5,
2 2009; and that the time period from February 24, 2009, through May 5, 2009, is excludable
3 under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(1)(I) because that period of delay
4 results from consideration by the Court of a proposed plea agreement entered into by the
5 defendant and the government pursuant to Federal Rule of Criminal Procedure 11(c)(1)(C).

6
7 IT IS SO STIPULATED.

8 Respectfully submitted,

9 JOSEPH P. RUSSONIELLO
10 United States Attorney

11 Dated: 2/23/09

12 /s/
KESLIE STEWART
Assistant United States Attorney

13 Attorney for Plaintiff
14 UNITED STATES OF AMERICA

15
16 Dated: 2/23/09

17 /s/
JEROME MATTHEWS
Attorney for Defendant

18
19 I hereby attest that I have authorization to file this
20 document on behalf of those individuals whose signatures are
21 indicated by a "conformed" signature (/s/) within this e-filed
22 document.

23 //

24 //

25 //

26 //

27 //

28 //

[PROPOSED] ORDER

FOR GOOD CAUSE SHOWN, IT IS SO FOUND AND ORDERED THAT:

A hearing for change of plea and imposition of judgment and sentence is hereby scheduled for 10:00 a.m. on May 5, 2009. Time is excluded for purposes of the Speedy Trial Act from February 24, 2009, through the hearing date of May 5, 2009, pursuant to 18 U.S.C. § 3161(h)(1)(I) because that period of delay results from consideration by the Court of a proposed plea agreement entered into by the defendant and the government pursuant to Federal Rule of Criminal Procedure 11(c)(1)(C). The United States Probation Office is ordered to prepare a Presentence Report for defendant.

DATED: 2/25/09



HONORABLE SAUNDRA BROWN ARMSTRONG
UNITED STATES DISTRICT JUDGE